

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2081.04
COMPLAINT INVESTIGATOR:	Jennifer Campbell
DATE OF COMPLAINT:	January 8, 2004
DATE OF REPORT:	February 4, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	March 5, 2004

COMPLAINT ISSUES:

Whether the South Bend Community School Corporation violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program ("IEP") as written.

ADDITIONAL ISSUES:

FINDINGS OF FACT:

1. The student ("Student") is eleven years old and is eligible for special education and related services as a student with a learning disability and communication disorder.
2. Attached to the Letter of Complaint were sixty-four e-mails making several allegations involving nonimplementation of the accommodations/modifications areas of the IEP concerning organizational and instructional strategies. There is no documentation that shows whether or to what extent these aspects of the IEP were implemented.
3. As written in the IEP, the required organizational and instructional strategies are to be implemented "in all content areas as needed." The IEP does not specify evaluative criteria that would inform school personnel working with the Student on how and when to implement these accommodations on a consistent basis with effectiveness.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate the IEP is ambiguous with regard to organization and instructional strategies. IEPs and case conference reports must have sufficient clarity so that both the parent and school personnel know what services a student is to receive, from whom, and whatever other resources will be employed for this endeavor. Where an ambiguity exists in the IEP, the ambiguity will be construed against the School that is responsible for its development and implementation. Therefore, a violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above. The South Bend Community School Corporation shall:

CORRECTIVE ACTION:

1. Reconvene the case conference committee to review and revise the organizational and instructional strategies accommodations and modifications of the Student's IEP. Submit the IEP and case conference notes to the Division of Exceptional Learners no later than March 3, 2004.